

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MICKEY CONLEY, Register No. 512073,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4179-CV-C-NKL
)	
DAVID DORMIRE, et al.,)	
)	
Defendants.)	

ORDER

On October 17, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claim regarding his conduct violation and recommended denying his request for a preliminary injunction granting free legal supplies. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on October 29, 2007. Plaintiff misconstrues the constitutional requirements for access to the courts, and has not shown he is in imminent danger of irreparable harm if injunctive relief is not granted. Plaintiff's filings show he has access to this court.

To the extent plaintiff wants an order directing the institution to comply with its regulations related to free copies and postage, plaintiff has selected the wrong forum. The federal court may not order a state to comply with its own laws or regulations absent a violation of the federal constitution or laws. The Eleventh Amendment prohibits federal court intervention in such claims. Pennhurst State School & Hosp. v. Halderman, 465 U.S. 89 (1984); Barclay v. Florida, 463 U.S. 939 (1983).

Likewise, plaintiff's due process claim relating to his conduct violation is dismissed. Plaintiff relies on cases and procedures that predate Sandin v. Connor, 515 U.S. 472 (1995), and which do not represent the current state of the law.

The issues raised in the exceptions were otherwise adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of October 17, 2007, is adopted. [15] It is further

ORDERED that plaintiff's claims regarding a conduct violation are dismissed, pursuant to the provisions of 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted. It is further

ORDERED that plaintiff's motion for preliminary injunctive relief seeking free legal supplies is denied. [10]

/s/_____

NANETTE K. LAUGHREY
United States District Judge

Dated: January 11, 2008
Jefferson City, Missouri